

**Notice of Allowability**

Application No.

10/717,358

Examiner

Toan N. Pham

Applicant(s)

FARDIN ET AL.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 07/25/05.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Allowable Subject Matter***

Claims 1-15 are allowed.

The following is an examiner's statement of reasons for allowance: The present invention is directed to a device and method for positioning of a moving object in a monitorable region using a stationary monitoring system and a transponder attached to the moving object. Each independent claim identifies the uniquely distinct features:

Regarding claim 1: "a transponder includes an infrared receiver and an ultrasound transmitter, the monitoring system having an analysis unit and at least two sensor units, which are connectable to the analysis unit and include an infrared transmitter and an ultrasound receiver, an infrared trigger signal (IR-TC) able to be emitted, which triggers the emission of an ultrasound signal (US) by the ultrasound transmitter, the ultrasound signal (US) being receivable by the ultrasound receivers and the positioning of the moving object able to be performed by the analysis unit using travel time determination of the ultrasound signal (US)".

Regarding claim 10: A positioning method comprising the steps of "emission of an infrared signal (IR-TC) by at least one of the two sensor units as a reaction to a start signal (S-TC); transmission of an ultrasound signal (US) using an ultrasound transmitter, which is part of the transponder, as a reaction to the infrared trigger signal (IR-TC); transmission of a stop signal (S-US) by each of the two sensor units to a control unit as a reaction to the received ultrasound signal (US); determination of the time differences between the start signal (S-TC) and the stop signals (S-US) by the control unit; conversion of the time differences into distance values (Dx) between the

transponder and the sensor units, the distance values (Dx) corresponding to the travel times of the ultrasound signal (US); and determination of the position of the moving object”.

The cited prior art fail to anticipate or render the above limitations of independent claims 1 and 10 obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Stobble et al. (US 6,731,198), Amori-Moriya et al. (US 6,141,293), Ward (US 6,317,386), Lester (US 3,696,384), and Whitright et al. (US 5,504,477) are cited to show a variety of tracking systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 16, 2005

TOAN N. PHAM  
PRIMARY EXAMINER

